

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 53466/201

In re patent application of

Tadamitsu KISHIMOTO et al.

Serial No.: 08/817,507

Filed: April 17, 1997

For: PHARMACEUTICAL COMPOSITION FOR TREATMENT OF
DISEASES CAUSED BY IL-6 PRODUCTION

PETITION UNDER 37 C.F.R. 1.182

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This petition is filed to request acceptance of a Declaration and Power of Attorney filed in the above-identified application as of its filing date of April 17, 1997. Accompanying this petition is a check in the amount of \$130.00 for the appropriate petition fee under 37 CFR 1.17(h).

The PCT Office states in the Notification of Missing Requirements Under 35 U.S.C. 371 (See Attachment 1) that the oath or declaration of the inventors does not comply with 37 CFR § 1.497(a) and (b) because the oath or declaration does not identify the inventors. Specifically, it is noted that the first name of second inventor is changed from "Tomoo" on the original PCT filing documents in the Japanese Patent Office to "Asao" on the Declaration and Power of Attorney filed on April 17, 1997 in United States Patent & Trademark Office.

It is also noted that the third inventor's last name is spelled incorrectly due to a typographical error. The name on the original PCT documents was "Hirouki" when it should have been "Hiroyuki".

As supporting documentation of this petition, attached is a copy of a letter from applicants' Japanese patent attorneys as Attachment 2, providing an explanation as to how the errors in the second inventor's first name and the third inventor's last name occurred.

On the original PCT application filing documents, the second inventor's actual first name, "Asao" is written in kanji (Chinese characters). See the attached PCT documents as Attachment 3. Referring now to the Chinese symbols in the attached letter, in the kanji, the first character at the beginning of line 3 of the second paragraph, can be translated as "Tomo" or "Asa". The second character is translated as "o". The Japanese patent attorneys state that in the request of the original PCT application, they had mistakenly translated the first character as "Tomo" instead of "Asa". This error explains why the second inventor's first name in the original PCT documents was cited as "Tomoo" rather than "Asao". The latter name being correct.

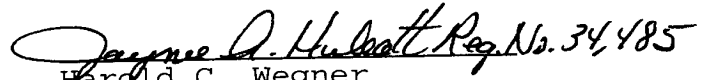
In regard to the third inventor's misspelled last name, the Japanese attorneys explain that as a result of a typographical error, the third inventor's last name was spelled "Hirouki" rather than correctly spelled "Hiroyuki".

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It is believed that applicants have thoroughly explained how the errors in the inventor's names occurred. The Declaration and Power of Attorney filed with the above-identified application contains the correct names of the inventors of this application. It is respectfully requested that the Declaration and Power of Attorney filed on April 17, 1997 be accepted as satisfying the requirements for acceptance of the above-identified application under 35 U.S.C. § 371 as of April 17, 1997.

Respectfully submitted,

August 4, 1997


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